

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.2949 of 2007

Santosh Deoram Shelke

..Applicant.

Vs.

THE STATE OF MAHARASHTRA

..Respondent.

Ms S. A. Dhamale, Advocate for the
Applicant.

Mr K. V. Saste, A.P.P. for the Respondent
No.1-State.

Ms Sharmila S. Kaushik, Advocate for the
Respondent No.2.

CORAM: V.C. DAGA, J.

DATED: 3/10/2007.

P.C.:-

1. Heard learned Advocate for the
applicant, the learned A.P.P. for the
State-respondent No.1 and learned counsel for
the Respondent No.2.

2. Perused application and the material
available on record.

3. This application under Section 438 of
the Cr.P.C. is to seek anticipatory bail in
C.R.No.89 of 2006 registered with the Igatpuri
Police Station, Nashik for the offence

punishable under Sections 354, 392, 323, 504,
506 of the I.P.C.

4. It is, no doubt, true that allegations made in the complaint are serious. At the same time, the complainant herself filed affidavit stating therein that under political pressure, she made complaint against the applicant. The applicant has also filed agreement recording out of Court settlement alongwith affidavit as stated herein.

5. The I.O. who is present in the Court, has made statement that he has also registered offence against the complainant for having made false complaint against the applicant-accused. The statement made in this behalf is taken on record. Thus, taking over all view of the matter, the applicant would be entitled for bail. Application is accordingly allowed on following terms and conditions.

6. The applicant, Santosh Deoram Shelke, in the event of arrest in C.R.No.89 of 2006 registered with the Igatpuri Police Station, Nashik for the offence punishable under

Sections 354, 392, 323, 504, 506 of the I.P.C. be released on bail in the sum of Rs.50,000/- with one or two sureties to make up the said amount on following terms and conditions:

(a) that he should report to the concerned Police Station, once in a week i.e. on every Monday between 3.00 to 5.00 p.m. till filing of the charge sheet.

(b) the applicant shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(c) the applicant shall not pressurise witnesses and that he shall co-operate with the Investigating agency, if required.

7. This order of anticipatory bail shall remain in force till the filing of the charge

sheet. It would be open for the applicant to apply for regular bail before the regular Court.

8. Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

9. The application is allowed in the above terms.

(V.C. DAGA,J.)